

1 A bill to be entitled
 2 An act relating to juvenile justice; amending s.
 3 985.24, F.S.; revising requirements for placement of a
 4 child in detention care; revising terminology;
 5 amending s. 985.245, F.S.; providing that a child who
 6 is a prolific juvenile offender does not require a
 7 risk assessment to be placed in detention care;
 8 amending s. 985.25, F.S.; revising terminology;
 9 providing that a child meeting specified criteria
 10 shall be placed in secure detention care until the
 11 child's detention hearing; amending s. 985.255, F.S.;
 12 revising terminology; providing criteria for a child
 13 to be a prolific juvenile offender; defining the term
 14 "arrest event"; conforming provisions; amending s.
 15 985.26, F.S.; revising terminology; requiring the
 16 court to place a prolific juvenile offender in secure
 17 detention care under a special detention order until
 18 disposition; defining the term "disposition"; revising
 19 terminology; providing for the tolling of the period
 20 of detention care for an alleged violation of
 21 detention care; providing for the retention of
 22 jurisdiction by the court over a child during the
 23 tolling period; revising the calculation of detention
 24 days served if a child violates detention care;
 25 amending s. 985.265, F.S.; revising terminology;

26 | amending s. 985.27, F.S.; requiring secure detention
27 | for all children awaiting placement in a commitment
28 | program until the placement or commitment is
29 | accomplished; amending s. 985.35, F.S.; requiring the
30 | adjudicatory hearing for a child who is a prolific
31 | juvenile offender to be held within a specified period
32 | unless such child requests a delay; amending s.
33 | 985.514, F.S.; revising terminology; reenacting s.
34 | 790.228(8), F.S., relating to secure detention for
35 | minors charged with an offense involving firearms, to
36 | incorporate the amendments made by the act to ss.
37 | 985.24, 985.25, 985.255, and 985.26, F.S., in
38 | references thereto; reenacting s. 985.115(2), F.S.,
39 | relating to release or delivery from custody, to
40 | incorporate the amendments made by the act to ss.
41 | 985.255 and 985.26, F.S., in references thereto;
42 | reenacting s. 985.13(2), F.S., relating to probable
43 | cause affidavits, to incorporate the amendments made
44 | by the act to ss. 985.255 and 985.26, F.S., in
45 | references thereto; reenacting s. 985.245(2)(b), F.S.,
46 | relating to risk assessment instruments, to
47 | incorporate the amendment made by this act to section
48 | 985.255, Florida Statutes, in a reference thereto;
49 | reenacting s. 985.255(2), F.S., relating to detention
50 | criteria and hearings, to incorporate the amendment

51 made by this act to section 985.26, F.S., in a
 52 reference thereto; reenacting s. 985.275(1), F.S.,
 53 relating to detention of an escapee or absconder, to
 54 incorporate the amendment made by this act to s.
 55 985.255, F.S.; reenacting s. 985.319(6), F.S.,
 56 relating to process and service, to incorporate the
 57 amendment made by this act to s. 985.255, F.S.;
 58 providing an effective date.
 59

60 Be It Enacted by the Legislature of the State of Florida:
 61

62 Section 1. Paragraphs (d) and (e) of subsection (1) and
 63 subsection (2) of section 985.24, Florida Statutes, are amended,
 64 and paragraph (f) is added to subsection (1) of that section to
 65 read:

66 985.24 Use of detention; prohibitions.—

67 (1) All determinations and court orders regarding the use
 68 of detention care shall be based primarily upon findings that
 69 the child:

70 (d) Has committed contempt of court by:

71 1. Intentionally disrupting the administration of the
 72 court;

73 2. Intentionally disobeying a court order; or

74 3. Engaging in a punishable act or speech in the court's
 75 presence which shows disrespect for the authority and dignity of

76 | the court; ~~or~~

77 | (e) Requests protection from imminent bodily harm; or

78 | (f) Is at risk for recidivism.

79 | (2) A child alleged to have committed a delinquent act or
80 | violation of law may not be placed into ~~secure or nonsecure~~
81 | detention care for any of the following reasons:

82 | (a) To allow a parent to avoid his or her legal
83 | responsibility.

84 | (b) To permit more convenient administrative access to the
85 | child.

86 | (c) To facilitate further interrogation or investigation.

87 | (d) Due to a lack of more appropriate facilities.

88 | Section 2. Subsection (1) of section 985.245, Florida
89 | Statutes, is amended to read:

90 | 985.245 Risk assessment instrument.—

91 | (1) All determinations and court orders regarding
92 | placement of a child into detention care shall comply with all
93 | requirements and criteria provided in this part and shall be
94 | based on a risk assessment of the child, unless the child is
95 | placed into detention care under ~~as provided in s. 985.255(2)~~ or
96 | is a prolific juvenile offender under s. 985.255(1)(j).

97 | Section 3. Subsection (1) of section 985.25, Florida
98 | Statutes, is amended to read:

99 | 985.25 Detention intake.—

100 | (1) The department shall receive custody of a child who

101 has been taken into custody from the law enforcement agency or
 102 court and shall review the facts in the law enforcement report
 103 or probable cause affidavit and make such further inquiry as may
 104 be necessary to determine whether detention care is appropriate.

105 (a) During the period of time from the taking of the child
 106 into custody to the date of the detention hearing, the initial
 107 decision as to the child's placement into ~~secure or nonsecure~~
 108 detention care shall be made by the department under ss. 985.24
 109 and 985.245(1).

110 (b) The department shall base the decision whether to
 111 place the child into ~~secure or nonsecure~~ detention care on an
 112 assessment of risk in accordance with the risk assessment
 113 instrument and procedures developed by the department under s.
 114 985.245, except that. However, a child shall be placed in secure
 115 detention care until the child's detention hearing if the child
 116 meets the criteria specified in s. 985.255(1)(j), is charged
 117 with possessing or discharging a firearm on school property in
 118 violation of s. 790.115, or shall be placed in secure detention
 119 care. A child who has been taken into custody on three or more
 120 separate occasions within a 60-day period ~~shall be placed in~~
 121 ~~secure detention care until the child's detention hearing.~~

122 (c) If the final score on the child's risk assessment
 123 instrument indicates detention care is appropriate, but the
 124 department otherwise determines the child should be released,
 125 the department shall contact the state attorney, who may

126 authorize release.

127 (d) If the final score on the risk assessment instrument
 128 indicates detention is not appropriate, the child may be
 129 released by the department in accordance with ss. 985.115 and
 130 985.13.

131
 132 Under no circumstances shall the department or the state
 133 attorney or law enforcement officer authorize the detention of
 134 any child in a jail or other facility intended or used for the
 135 detention of adults, without an order of the court.

136 Section 4. Subsection (1) of section 985.255, Florida
 137 Statutes, and paragraphs (a) and (c) of subsection (3) of that
 138 section, are amended to read:

139 985.255 Detention criteria; detention hearing.—

140 (1) Subject to s. 985.25(1), a child taken into custody
 141 and placed into ~~secure or nonsecure~~ detention care shall be
 142 given a hearing within 24 hours after being taken into custody.
 143 At the hearing, the court may order continued detention if:

144 (a) The child is alleged to be an escapee from a
 145 residential commitment program; or an absconder from a
 146 nonresidential commitment program, a probation program, or
 147 conditional release supervision; or is alleged to have escaped
 148 while being lawfully transported to or from a residential
 149 commitment program.

150 (b) The child is wanted in another jurisdiction for an

151 offense which, if committed by an adult, would be a felony.

152 (c) The child is charged with a delinquent act or
 153 violation of law and requests in writing through legal counsel
 154 to be detained for protection from an imminent physical threat
 155 to his or her personal safety.

156 (d) The child is charged with committing an offense of
 157 domestic violence as defined in s. 741.28 and is detained as
 158 provided in subsection (2).

159 (e) The child is charged with possession of or discharging
 160 a firearm on school property in violation of s. 790.115 or the
 161 illegal possession of a firearm.

162 (f) The child is charged with a capital felony, a life
 163 felony, a felony of the first degree, a felony of the second
 164 degree that does not involve a violation of chapter 893, or a
 165 felony of the third degree that is also a crime of violence,
 166 including any such offense involving the use or possession of a
 167 firearm.

168 (g) The child is charged with any second degree or third
 169 degree felony involving a violation of chapter 893 or any third
 170 degree felony that is not also a crime of violence, and the
 171 child:

172 1. Has a record of failure to appear at court hearings
 173 after being properly notified in accordance with the Rules of
 174 Juvenile Procedure;

175 2. Has a record of law violations prior to court hearings;

176 3. Has already been detained or has been released and is
 177 awaiting final disposition of the case;

178 4. Has a record of violent conduct resulting in physical
 179 injury to others; or

180 5. Is found to have been in possession of a firearm.

181 (h) The child is alleged to have violated the conditions
 182 of the child's probation or conditional release supervision.
 183 However, a child detained under this paragraph may be held only
 184 in a consequence unit as provided in s. 985.439. If a
 185 consequence unit is not available, the child shall be placed on
 186 nonsecure detention with electronic monitoring.

187 (i) The child is detained on a judicial order for failure
 188 to appear and has previously willfully failed to appear, after
 189 proper notice:

190 1. For an adjudicatory hearing on the same case regardless
 191 of the results of the risk assessment instrument; or

192 2. At two or more court hearings of any nature on the same
 193 case regardless of the results of the risk assessment
 194 instrument.

195
 196 A child may be held in secure detention for up to 72 hours in
 197 advance of the next scheduled court hearing pursuant to this
 198 paragraph. The child's failure to keep the clerk of court and
 199 defense counsel informed of a current and valid mailing address
 200 where the child will receive notice to appear at court

201 proceedings does not provide an adequate ground for excusal of
 202 the child's nonappearance at the hearings.

203 (j) The child is a prolific juvenile offender. A child is
 204 a prolific juvenile offender if the child:

205 1. Is charged with a delinquent act that would be a felony
 206 if committed by an adult;

207 2. Has been adjudicated or had adjudication withheld for a
 208 felony offense, or delinquent act that would be a felony if
 209 committed by an adult, before the charge under subparagraph 1.;
 210 and

211 3. In addition to subparagraphs 1. and 2., has 5 or more
 212 of any of the following, at least 3 of which must have been for
 213 felony offenses or delinquent acts that would have been felonies
 214 if committed by an adult:

215 a. An arrest event for which a disposition, as defined in
 216 s. 985.26, has not been entered;

217 b. An adjudication; or

218 c. An adjudication withheld.

219
 220 As used in this subparagraph, the term "arrest event" means an
 221 arrest or referral for one or more criminal offenses or
 222 delinquent acts arising out of the same episode, act, or
 223 transaction.

224 (3) (a) The purpose of the detention hearing required under
 225 subsection (1) is to determine the existence of probable cause

226 that the child has committed the delinquent act or violation of
 227 law that he or she is charged with and the need for continued
 228 detention. Unless a child is detained under paragraph (1)(d), ~~or~~
 229 paragraph (1)(e), or paragraph (1)(j), the court shall use the
 230 results of the risk assessment performed by the department and,
 231 based on the criteria in subsection (1), shall determine the
 232 need for continued detention.

233 (c) Except as provided in s. 790.22(8), s. 985.26(2)(b),
 234 or ~~in~~ s. 985.27, when a child is placed into ~~secure or nonsecure~~
 235 detention care, or into a respite home or other placement
 236 pursuant to a court order following a hearing, the court order
 237 must include specific instructions that direct the release of
 238 the child from such placement no later than 5 p.m. on the last
 239 day of the detention period specified in s. 985.26 or s. 985.27,
 240 whichever is applicable, unless the requirements of such
 241 applicable provision have been met or an order of continuance
 242 has been granted under s. 985.26(4). If the court order does not
 243 include a release date, the release date shall be requested from
 244 the court on the same date that the child is placed in detention
 245 care. If a subsequent hearing is needed to provide additional
 246 information to the court for safety planning, the initial order
 247 placing the child in detention care shall reflect the next
 248 detention review hearing, which shall be held within 3 calendar
 249 days after the child's initial detention placement.

250 Section 5. Subsections (1) through (4) of section 985.26,

251 Florida Statutes, are amended to read:

252 985.26 Length of detention.—

253 (1) A child may not be placed into or held in ~~secure or~~
 254 ~~nonsecure~~ detention care for longer than 24 hours unless the
 255 court orders such detention care, and the order includes
 256 specific instructions that direct the release of the child from
 257 such detention care, in accordance with s. 985.255. The order
 258 shall be a final order, reviewable by appeal under s. 985.534
 259 and the Florida Rules of Appellate Procedure. Appeals of such
 260 orders shall take precedence over other appeals and other
 261 pending matters.

262 (2) (a) Except as provided in paragraph (b), a child may
 263 not be held in ~~secure or nonsecure~~ detention care under a
 264 special detention order for more than 21 days unless an
 265 adjudicatory hearing for the case has been commenced in good
 266 faith by the court. However, upon good cause being shown that
 267 the nature of the charge requires additional time for the
 268 prosecution or defense of the case, the court may extend the
 269 length of detention for an additional 9 days if the child is
 270 charged with an offense that would be, if committed by an adult,
 271 a capital felony, a life felony, a felony of the first degree,
 272 or a felony of the second degree involving violence against any
 273 individual.

274 (b) A prolific juvenile offender under s. 985.255(1)(j)
 275 shall be held in secure detention care under a special detention

276 order until disposition. As used in this paragraph, the term
277 "disposition" means a declination to file under s. 985.15(1)(h),
278 the entry of nolle prosequi for the charges, the filing of an
279 indictment under s. 985.56 or information under s. 985.557, a
280 dismissal of the case, or an order of final disposition by the
281 court.

282 (3) Except as provided in subsection (2), a child may not
283 be held in ~~secure or nonsecure~~ detention care for more than 15
284 days following the entry of an order of adjudication.

285 (4) (a) The time limits in subsections (2) and (3) do not
286 include periods of delay resulting from a continuance granted by
287 the court for cause on motion of the child or his or her counsel
288 or of the state. Upon the issuance of an order granting a
289 continuance for cause on a motion by either the child, the
290 child's counsel, or the state, the court shall conduct a hearing
291 at the end of each 72-hour period, excluding Saturdays, Sundays,
292 and legal holidays, to determine the need for continued
293 detention of the child and the need for further continuance of
294 proceedings for the child or the state.

295 (b) The period for detention care under this section is
296 tolled on the date that the department or a law enforcement
297 officer alleges that the child has violated a condition of the
298 child's nonsecure detention care until the court enters a ruling
299 on the violation. Notwithstanding the tolling of nonsecure
300 detention care, the court retains jurisdiction over the child

301 for a violation of a condition of nonsecure detention care
 302 during the tolling period. If the court finds that a child has
 303 violated his or her nonsecure detention care, the number of days
 304 that the child served in any type of detention care before
 305 commission of the violation shall be excluded from the time
 306 limits under subsections (2) and (3).

307 Section 6. Subsection (2) of section 985.265, Florida
 308 Statutes, is amended to read:

309 985.265 Detention transfer and release; education; adult
 310 jails.—

311 (2) If a child is on release status and not detained under
 312 this part, the child may be placed into ~~secure or nonsecure~~
 313 detention care only pursuant to a court hearing in which the
 314 original risk assessment instrument and the newly discovered
 315 evidence or changed circumstances are introduced into evidence
 316 with a rescored risk assessment instrument.

317 Section 7. Section 985.27, Florida Statutes, is amended to
 318 read:

319 985.27 Postdisposition detention while awaiting commitment
 320 placement.—

321 ~~(1)~~ The court must place all children who are adjudicated
 322 and awaiting placement in a commitment program in secure
 323 detention care until the placement or commitment is
 324 accomplished. ~~Children who are in nonsecure detention care may~~
 325 ~~be placed on electronic monitoring.~~

326 ~~(a) A child who is awaiting placement in a nonsecure~~
327 ~~residential program must be removed from detention within 5~~
328 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
329 ~~child held in secure detention during the 5 days must meet~~
330 ~~detention admission criteria under this part. The department may~~
331 ~~seek an order from the court authorizing continued detention for~~
332 ~~a specific period of time necessary for the appropriate~~
333 ~~residential placement of the child. However, such continued~~
334 ~~detention in secure detention care may not exceed 15 days after~~
335 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~
336 ~~legal holidays, and except as otherwise provided in this~~
337 ~~section. A child who is placed in nonsecure detention care or~~
338 ~~nonsecure detention care with electronic monitoring, while~~
339 ~~awaiting placement in a nonsecure residential program, may be~~
340 ~~held in secure detention care for 5 days, if the child violates~~
341 ~~the conditions of the nonsecure detention care or the electronic~~
342 ~~monitoring agreement. For any subsequent violation, the court~~
343 ~~may impose an additional 5 days in secure detention care.~~

344 ~~(b) If the child is committed to a high-risk residential~~
345 ~~program, the child must be held in secure detention care until~~
346 ~~placement or commitment is accomplished.~~

347 ~~(c) If the child is committed to a maximum-risk~~
348 ~~residential program, the child must be held in secure detention~~
349 ~~care until placement or commitment is accomplished.~~

350 ~~(2) Regardless of detention status, a child being~~

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351 ~~transported by the department to a residential commitment~~
352 ~~facility of the department may be placed in secure detention~~
353 ~~overnight, not to exceed a 24-hour period, for the specific~~
354 ~~purpose of ensuring the safe delivery of the child to his or her~~
355 ~~residential commitment program, court, appointment, transfer, or~~
356 ~~release.~~

357 Section 8. Section 985.35, Florida Statutes, is amended to
358 read:

359 985.35 Adjudicatory hearings; withheld adjudications;
360 orders of adjudication.—

361 (1) (a) Except as provided in paragraph (b), the
362 adjudicatory hearing must be held as soon as practicable after
363 the petition alleging that a child has committed a delinquent
364 act or violation of law is filed and in accordance with the
365 Florida Rules of Juvenile Procedure; but reasonable delay for
366 the purpose of investigation, discovery, or procuring counsel or
367 witnesses shall be granted. If the child is being detained, the
368 time limitations in s. 985.26(2) and (3) apply.

369 (b) If the child is a prolific juvenile offender under s.
370 985.255(1) (j), the adjudicatory hearing must be held within 45
371 days after the child after the petition alleging that the child
372 has committed a delinquent act or violation of law has been
373 filed unless a delay is requested by the child.

374 Section 9. Subsection (1) of section 985.514, Florida
375 Statutes, is amended to read:

376 985.514 Responsibility for cost of care; fees.-

377 (1) When any child is placed into ~~secure or nonsecure~~
 378 detention care or into other placement for the purpose of being
 379 supervised by the department pursuant to a court order following
 380 a detention hearing, the court shall order the child's parents
 381 to pay fees to the department as provided in s. 985.039.

382 Section 10. For the purpose of incorporating the
 383 amendments made by this act to sections 985.24, 984.25, 985.255,
 384 and 985.26, Florida Statutes, in references thereto, subsection
 385 (8) of section 790.22, Florida Statutes, is reenacted to read:

386 790.22 Use of BB guns, air or gas-operated guns, or
 387 electric weapons or devices by minor under 16; limitation;
 388 possession of firearms by minor under 18 prohibited; penalties.-

389 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
 390 is charged with an offense that involves the use or possession
 391 of a firearm, including a violation of subsection (3), or is
 392 charged for any offense during the commission of which the minor
 393 possessed a firearm, the minor shall be detained in secure
 394 detention, unless the state attorney authorizes the release of
 395 the minor, and shall be given a hearing within 24 hours after
 396 being taken into custody. At the hearing, the court may order
 397 that the minor continue to be held in secure detention in
 398 accordance with the applicable time periods specified in s.
 399 985.26(1)-(5), if the court finds that the minor meets the
 400 criteria specified in s. 985.255, or if the court finds by clear

401 and convincing evidence that the minor is a clear and present
 402 danger to himself or herself or the community. The Department of
 403 Juvenile Justice shall prepare a form for all minors charged
 404 under this subsection which states the period of detention and
 405 the relevant demographic information, including, but not limited
 406 to, the gender, age, and race of the minor; whether or not the
 407 minor was represented by private counsel or a public defender;
 408 the current offense; and the minor's complete prior record,
 409 including any pending cases. The form shall be provided to the
 410 judge for determining whether the minor should be continued in
 411 secure detention under this subsection. An order placing a minor
 412 in secure detention because the minor is a clear and present
 413 danger to himself or herself or the community must be in
 414 writing, must specify the need for detention and the benefits
 415 derived by the minor or the community by placing the minor in
 416 secure detention, and must include a copy of the form provided
 417 by the department.

418 Section 11. For the purpose of incorporating the amendment
 419 made by this act to sections 985.255 and 985.26, Florida
 420 Statutes, in references thereto, subsection (2) of section
 421 985.115, Florida Statutes, is reenacted to read:

422 985.115 Release or delivery from custody.—

423 (2) Unless otherwise ordered by the court under s. 985.255
 424 or s. 985.26, and unless there is a need to hold the child, a
 425 person taking a child into custody shall attempt to release the

426 child as follows:

427 (a) To the child's parent, guardian, or legal custodian
 428 or, if the child's parent, guardian, or legal custodian is
 429 unavailable, unwilling, or unable to provide supervision for the
 430 child, to any responsible adult. Prior to releasing the child to
 431 a responsible adult, other than the parent, guardian, or legal
 432 custodian, the person taking the child into custody may conduct
 433 a criminal history background check of the person to whom the
 434 child is to be released. If the person has a prior felony
 435 conviction, or a conviction for child abuse, drug trafficking,
 436 or prostitution, that person is not a responsible adult for the
 437 purposes of this section. The person to whom the child is
 438 released shall agree to inform the department or the person
 439 releasing the child of the child's subsequent change of address
 440 and to produce the child in court at such time as the court may
 441 direct, and the child shall join in the agreement.

442 (b) Contingent upon specific appropriation, to a shelter
 443 approved by the department or to an authorized agent.

444 (c) If the child is believed to be suffering from a
 445 serious physical condition which requires either prompt
 446 diagnosis or prompt treatment, to a law enforcement officer who
 447 shall deliver the child to a hospital for necessary evaluation
 448 and treatment.

449 (d) If the child is believed to be mentally ill as defined
 450 in s. 394.463(1), to a law enforcement officer who shall take

451 the child to a designated public receiving facility as defined
 452 in s. 394.455 for examination under s. 394.463.

453 (e) If the child appears to be intoxicated and has
 454 threatened, attempted, or inflicted physical harm on himself or
 455 herself or another, or is incapacitated by substance abuse, to a
 456 law enforcement officer who shall deliver the child to a
 457 hospital, addictions receiving facility, or treatment resource.

458 (f) If available, to a juvenile assessment center equipped
 459 and staffed to assume custody of the child for the purpose of
 460 assessing the needs of the child in custody. The center may then
 461 release or deliver the child under this section with a copy of
 462 the assessment.

463 Section 12. For the purpose of incorporating the amendment
 464 made by this act to section 985.255, Florida Statutes, in a
 465 reference thereto, subsection (2) of section 985.13, Florida
 466 Statutes, is reenacted to read:

467 985.13 Probable cause affidavits.—

468 (2) A person taking a child into custody who determines,
 469 under part V, that the child should be detained or released to a
 470 shelter designated by the department, shall make a reasonable
 471 effort to immediately notify the parent, guardian, or legal
 472 custodian of the child and shall, without unreasonable delay,
 473 deliver the child to the appropriate juvenile probation officer
 474 or, if the court has so ordered under s. 985.255 or s. 985.26,
 475 to a detention center or facility. Upon delivery of the child,

476 | the person taking the child into custody shall make a written
 477 | report or probable cause affidavit to the appropriate juvenile
 478 | probation officer. Such written report or probable cause
 479 | affidavit must:

480 | (a) Identify the child and, if known, the parents,
 481 | guardian, or legal custodian.

482 | (b) Establish that the child was legally taken into
 483 | custody, with sufficient information to establish the
 484 | jurisdiction of the court and to make a prima facie showing that
 485 | the child has committed a violation of law.

486 | Section 13. For the purpose of incorporating the amendment
 487 | made by this act to section 985.255, Florida Statutes, in a
 488 | reference thereto, paragraph (b) of subsection (2) of section
 489 | 985.245, Florida Statutes, is reenacted to read:

490 | 985.245 Risk assessment instrument.—

491 | (2)

492 | (b) The risk assessment instrument shall take into
 493 | consideration, but need not be limited to, prior history of
 494 | failure to appear, prior offenses, offenses committed pending
 495 | adjudication, any unlawful possession of a firearm, theft of a
 496 | motor vehicle or possession of a stolen motor vehicle, and
 497 | probation status at the time the child is taken into custody.

498 | The risk assessment instrument shall also take into
 499 | consideration appropriate aggravating and mitigating
 500 | circumstances, and shall be designed to target a narrower

501 population of children than s. 985.255. The risk assessment
 502 instrument shall also include any information concerning the
 503 child's history of abuse and neglect. The risk assessment shall
 504 indicate whether detention care is warranted, and, if detention
 505 care is warranted, whether the child should be placed into
 506 secure or nonsecure detention care.

507 Section 14. For the purpose of incorporating the amendment
 508 made by this act to section 985.26, Florida Statutes, in a
 509 reference thereto, subsection (2) of section 985.255, Florida
 510 Statutes, is reenacted to read:

511 985.255 Detention criteria; detention hearing.—

512 (2) A child who is charged with committing an offense that
 513 is classified as an act of domestic violence as defined in s.
 514 741.28 and whose risk assessment instrument indicates secure
 515 detention is not appropriate may be held in secure detention if
 516 the court makes specific written findings that:

517 (a) Respite care for the child is not available.

518 (b) It is necessary to place the child in secure detention
 519 in order to protect the victim from injury.

520
 521 The child may not be held in secure detention under this
 522 subsection for more than 48 hours unless ordered by the court.
 523 After 48 hours, the court shall hold a hearing if the state
 524 attorney or victim requests that secure detention be continued.
 525 The child may continue to be held in detention care if the court

526 makes a specific, written finding that detention care is
 527 necessary to protect the victim from injury. However, the child
 528 may not be held in detention care beyond the time limits set
 529 forth in this section or s. 985.26.

530 Section 15. For the purpose of incorporating the amendment
 531 made by this act to section 985.255, Florida Statutes, in a
 532 reference thereto, subsection (1) of section 985.275, Florida
 533 Statutes, is reenacted to read:

534 985.275 Detention of escapee or absconder on authority of
 535 the department.—

536 (1) If an authorized agent of the department has
 537 reasonable grounds to believe that any delinquent child
 538 committed to the department has escaped from a residential
 539 commitment facility or from being lawfully transported thereto
 540 or therefrom, or has absconded from a nonresidential commitment
 541 facility, the agent shall notify law enforcement and, if the
 542 offense would require notification under chapter 960, notify the
 543 victim. The agent shall make every reasonable effort as
 544 permitted within existing resources provided to the department
 545 to locate the delinquent child, and the child may be returned to
 546 the facility or, if it is closer, to a detention center for
 547 return to the facility. However, a child may not be held in
 548 detention longer than 24 hours, excluding Saturdays, Sundays,
 549 and legal holidays, unless a special order so directing is made
 550 by the judge after a detention hearing resulting in a finding

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551 that detention is required based on the criteria in s. 985.255.
552 The order shall state the reasons for such finding. The reasons
553 shall be reviewable by appeal or in habeas corpus proceedings in
554 the district court of appeal.

555 Section 16. For the purpose of incorporating the amendment
556 made by this act to section 985.255, Florida Statutes, in a
557 reference thereto, subsection (6) of section 985.319, Florida
558 Statutes, is reenacted to read:

559 985.319 Process and service.—

560 (6) If the petition alleges that the child has committed a
561 delinquent act or violation of law and the judge deems it
562 advisable to do so, under the criteria of s. 985.255, the judge
563 may, by endorsement upon the summons and after the entry of an
564 order in which valid reasons are specified, order the child to
565 be taken into custody immediately, and in such case the person
566 serving the summons shall immediately take the child into
567 custody.

568 Section 17. This act shall take effect October 1, 2017.